

REPORT - PLANNING COMMISSION MEETING
May 8, 2003

Applicant: Marin County Farmers Market (PLN2003-00244)

Proposal: An amendment to a Conditional Use Permit application for a Farmers Market in the Bill Ball Plaza at 37292 Fremont Boulevard and on Bonde Way in the Centerville Planning Area.

Recommended Action: Approve, subject to conditions.

Location: Bill Ball Plaza; and Bonde Way, between Fremont Boulevard and Post Street, in the Centerville Planning Area

APN: 501 1474018021 (Bill Ball Plaza); none (public right of way)

Area: 19,000 SF (Bill Ball Plaza); and approximately 400 linear feet along Bonde Way

Owner: City of Fremont

Agent of Applicant: Centerville Business Association

Consultant(s): None

Environmental Review: The project is categorically exempt from CEQA per Sec. 15304 (e) of the Guidelines

Existing General Plan: Public Facility (Bill Ball Plaza) and CCC Community Commercial Center (public right of way)

Existing Zoning: P-F (CSPC) (Public Facility) (Centerville Specific Plan Overlay) Bill Ball Plaza; CC (CSPC) Community Commercial (Centerville Specific Plan Overlay) (public right of way)

Existing Land Use: Public Plaza and public street

Public Hearing Notice: Public hearing notification is applicable. Approximately 72 notices were mailed to owners and occupants of property within a minimum radius of 300 feet of the site on the following streets: Bonde Way, Fremont Boulevard, Maple Street, Peralta Boulevard, Baine Avenue, and Post Street. The notices to owners and occupants were mailed on April 25, 2003. A Public Hearing Notice was delivered to The Argus newspaper on April 23, 2003 to be published by April 26, 2003.

Background and Previous Actions: In May 2000, the Planning Commission approved a Conditional Use Permit to allow the Marin County Farmers Market Association to operate a Farmers' Market on Bonde Way between Fremont Boulevard and Post. It was originally intended for the Farmers Association to operate the Farmers Market in the Bill Ball Plaza. Because the Bill Ball Plaza was not completed prior to their kick-off date, a Conditional Use Permit was granted for the use of the Bonde Way location and a condition was crafted to require the Farmers Association to return to the Planning Commission with an amendment to the original CUP should the applicant want to relocate to the Bill Ball Plaza once the design and construction was completed.

The Marin County Farmers Market Association has successfully operated the Centerville Farmers Market for the past three years and has a good record of working with the community and City staff to resolve the few problems that have arisen. The Centerville Farmers Market is a vehicle for the enhancement and economic development of business in the Centerville Redevelopment Project Area.

Project Description: The Marin County Farmers Market proposes to operate a Certified Farmers Market on Saturday mornings (9 a.m. to 1 p.m.) from May to November at Bill Ball Plaza in the Centerville Planning Area. As an alternative site, the current Farmers Market site located on Bonde Way between Fremont Boulevard and Post Street, is proposed to be used periodically.

An estimated 30-35 certified producers and food purveyors would set up temporary stands, such as tables, umbrellas and pop-up tents to sell their products. All local, county and state regulations regarding Certified Farmers Markets and Direct Marketing will be followed, including a permit from the County Environmental Health Department. The Certified Farmers Market will be inspected and regulated by the Alameda County Agricultural Commissioner. Individual producers will display all appropriate certificates necessary during hours of operation and will be responsible for maintaining the area around their stalls and the common areas in a clean and orderly state.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Public Facility (Bill Ball Plaza) and Community Commercial Center (public right of way). The proposed project is consistent with the existing General Plan land use designations for the project site because a Farmers' Market is consistent with the following policies in the Land Use and Local Economy chapters.

Policy LU 2.17: Each of the four historic commercial centers shall be oriented toward pedestrians to the degree feasible. New development should strengthen the "Main Street" character of these areas. Projects should be planned to create active pedestrian frontages oriented towards sidewalks, streets, or, when appropriate, towards a public plaza.

Objective LE 3.2: Thriving community commercial centers whose function is to provide a wide range of goods in a focused, identifiable, pedestrian oriented commercial area.

Policy LE 3.2.1: Actively promote the revitalization of existing community commercial centers, drawing on the unique historic features of each community.

Policy LE 3.2.3: Encourage the location of businesses which by their scale and character are suited to pedestrian-oriented centers.

The proposal would be consistent with and would implement these policies because a Farmers Market would be a pedestrian oriented activity that would provide additional shopping opportunities for Centerville residents, would be located in the historic core of Centerville near the train station and the Centerville Pioneer Cemetery, would provide additional opportunities for the public to use the Bill Ball Plaza and would attract people to the Centerville commercial area and thus would promote the revitalization of the commercial area.

The proposal is also consistent with the goals and policies of the Centerville Specific Plan. A Farmers Market in this location would contribute to the economic revitalization of the Centerville Commercial Core (Subarea 1, Policy LU-1/1) and would encourage the revitalization of the area by fostering an integration of uses and encouraging shoppers to stop and shop/visit at several locations (Policy LU-1/2).

Redevelopment Plan Conformance: The presence of a Farmers Market at the Centerville Bill Ball Plaza (Plaza) is in keeping with the goals and objectives of the Centerville Redevelopment Plan. Specifically, the proposed use will enhance the commercial district of Centerville (Centerville Redevelopment Plan, Part IV.B, Goal 8) by bringing additional customers to the district; since the Plaza is located in the historic district, it will help concentrate retail activities in the historic business district (Goal 9); it will promote pedestrian-oriented uses and spaces in the historic district (Goal 10) since customers must get out of their cars and walk among the stalls to participate in the Farmers Market; and, since the Farmers Market has been meeting on a portion of the site (Bonde Way) for the past three seasons, allowing the use to expand to the Plaza helps retain and expand an existing business in Centerville (Goal 21).

- **Zoning Regulations:** In the P-F (Public Facility) district, a Conditional Use Permit is required for private or joint public and private uses. In the C-C (Community Commercial) district, temporary and seasonal uses are usually subject to review and approval by the Zoning Administrator. The activity proposed was determined by the Zoning Administrator to be similar in nature to, although more frequent than, temporary and seasonal uses such as carnivals, circuses and other group events. Since a CUP is required to go before the Planning Commission for the Bill Ball Plaza portion of the application, staff decided to also include the alternative location at Bonde Way rather than processing a separate Zoning Administrator Permit.
- **Parking:** The Marin County Farmers Market Association estimates that the market will need space for approximately 40 farmers' trucks and other vehicles and 100 spaces for market visitors. The farmers' vehicles will be parked in the Bill Ball Plaza, where approximately 14 spaces will be provided, as well as in the adjacent parking lot (3849 Peralta Boulevard), and on adjacent streets. The applicant has indicated that a number of farmers drop off their goods and leave the site for other deliveries in neighboring cities. The farmers' vehicles will continue to be parked adjacent to their stalls when Bonde Way is being used. Currently, this parking scheme is working without any problems to adjacent property owners or with access for emergency vehicles.
- Spaces for market visitors will be provided in the following locations:
 - Parking lot at Centerville Train Depot (80 spaces usually available)
 - 3849 Peralta Boulevard: approximately (25 spaces)
 - On-street parking spaces on Post Street and Bonde Way (50 spaces)

The Farmers Market Association will continue to be post signs indicating that market parking is prohibited in Taco Bell restaurant parking lot at Bonde Way and Fremont Boulevard and indicate where market parking is available. An on-site market manager will intermittently check parking availability.

- **Circulation/Access Analysis:** The market will be located at the Bill Ball Plaza. The applicant also proposes to use the Bonde Way location periodically. Vehicular access to the Bill Ball Plaza will be limited to Peralta Court. Farmers vehicles will be permitted to enter onto the plaza and park their vehicles on site as shown on "Exhibit A". Fourteen spaces are currently shown on the plan. The Market Manager will be required to remove the bollards and direct the vehicles to the parking space to insure no marks are left by vehicles and to avoid drains, trees and other site amenities. Pedestrian market users could access the site via Fremont Boulevard or Peralta Court.
- When Bonde Way is also used for the Farmers Market, it will be located on Bonde Way between Post Street and Fremont Boulevard, with pedestrian access at both ends of Bonde Way. Several driveways onto Bonde Way will be closed and inaccessible for the duration of the market: a two-way drive way for the Taco Bell restaurant (a two way driveway and an exit driveway from the drive-through, both on Fremont Boulevard will remain accessible); a driveway accessing parking behind the brick building on the south side of Fremont Boulevard and Bonde Way (this driveway will be closed to traffic but will allow pedestrian access from the Train Depot parking lot); the driveway accessing the Pioneer Cemetery (market expansion/special events area) will be closed to cars but open to pedestrians. The Farmers Market will be responsible for closing and reopening Bonde Way. A minimum of 24 hours prior to the operation of the market, "No Parking/Tow Away" signs for 7 a.m. to 2 p.m. on Saturday morning will be posted on both sides of Bonde Way between Fremont Boulevard and Post Street. Two hours before the start of the market, a set of A-frame barricades will be erected at both ends of the market: Fremont Boulevard and Bonde Way, and Bonde Way and Post Street. One hour after the close of the market the barricades will be removed and Bonde Way will reopen to regular traffic.

Marin County Farmers Market Association has previous experience closing City streets for the Irvington Farmers Market and Centerville Farmers Market. The temporary street closure plan was approved by the City Council for the previous Conditional Use Permit.

It is anticipated that the existing street system is adequate for this use, particularly during off-peak weekend hours.

- **Market Operations:**

On-site management: The Farmers Market Manager will be onsite each market day to ensure the correct location of stalls, maintenance of the 20 foot fire lane (for the Bonde Way portion of the proposal), and to ensure other procedures are being followed. In order to protect the Bill Ball Plaza, drip oil pans with disposable liners will be placed under each vehicle and gathered and properly disposed of upon the vehicle's departure to protect the surface area. The Farmers' Market Manager shall be required while placing vehicles in the Bill Ball Plaza to insure no marks are left by vehicles and to avoid drains, trees and other site amenities.

Clean-up and litter control: Each grower/vendor is responsible for his/her own trash produced at the market. The market management will provide at least two trash cans for public use during the market which will be removed by the Market Manager. The Farmers Market shall be required to pick up trash and wash down the plaza as necessary to leave it in a clean condition (no food residue or trash present on site, and no oil or tire marks from vehicles) after each market event. If this does not occur, the City will have the right to clean the site and bill the applicant for service, and the use permit can be revoked for failure to pay the bill within 60 days.

Restrooms: Access to hand washing facilities is required for growers and will be provided at the Train Depot. These restrooms are also available to the public. The City's Maintenance and Recreation Services Department, which manages public buildings, is requiring the Market Manager, or his/her designee, be responsible for cleaning the rest rooms at the train depot at the end of the market. This was a requirement from the previous Conditional Use Permit.

Environmental Analysis: The proposed project is categorically exempt from CEQA review per Section 15304 (e), Minor Alterations to Land.

Response from Agencies, Organizations and the Public: None. The Centerville Business Association initiated the request for a Farmers Market in Centerville and has fully supported the proposal from the Marin County Farmers Market Association.

Enclosures: Exhibit "A" (Site Plans for both Bill Ball Plaza & Bonde Way)
Informational – Project Description
Informational – Site Information

Exhibits: Exhibit "A" Site Plans
Exhibit "B" Findings and Conditions of Approval

Recommended Actions:

1. Hold public hearing.
2. Find PLN2003-00244 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Local Economy Chapters. The project conforms to the goals and objectives of the Centerville Planning Area. The project is also consistent with the goals and policies set forth in the Centerville Specific Plan.
3. Approve PLN2003-00244, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

Exhibit "B"
FINDINGS AND CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT PLN 2003-00244
Marin County Farmers Market Association (Centerville Farmers Market) – Bill Ball Plaza & Bonde Way

FINDINGS

1. The site is suitable and adequate for the proposed use because the use will be conducted on the public right of way and in Bill Ball Plaza and the site is level, well drained and large enough to accommodate the proposed use.
2. The proposed use would not have a substantial adverse effect on traffic circulation, the planned capacity of the street system or other public facilities or services because the traffic generated by the use can be accommodated by the surrounding streets and sufficient parking is provided. Adequate fire fighting equipment and emergency access and facilities will also be maintained.
3. The proposed use would not have a substantial adverse economic effect on nearby uses because the proposed periodic use is allowed with the approval of a conditional use permit and the pedestrian presence generated by the market is likely to benefit the surrounding businesses and therefore, will aid in the commercial revitalization of the area.
4. The proposed use would not have a substantial adverse impact on the general welfare of persons residing in the community because the periodic use, properly regulated and properly located on a site with adjacent parking, would not create nuisances or degrade the environment, and will add shopping opportunities for Fremont residents.
5. The design of the project is compatible with existing and proposed development within the district and its surroundings because the proposed project will include only temporary stalls and no permanent structures.
6. The use is consistent with the General Plan designation for the site, since the land use is a conditionally permissible use on property designated Community Commercial Center and Public Facilities on the General Plan.
7. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

CONDITIONS OF APPROVAL:

General

- A-1 Approval of this Conditional Use Permit, PLN 2003-0244, is based upon conformance with Exhibit "A", Site Plan and all conditions of approval.
- A-2 The location of Farmers and vendors' spaces and the on site parking for Farmers vehicles shall be provided as shown on Exhibit "A". Minor revisions to the locations and arrangements of Farmers vehicles and booths and other elements of the above exhibit may be allowed subject to the approval of the Assistant City Manager.
- A-3 If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use has resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Assistant City Manager may refer the review of the permit to the Planning Commission at that time. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.

- A-4 The applicant shall be responsible for all personnel costs and incidental expenses required to enforce these special conditions and/or mitigate violations of these conditions. Personnel costs and incidental expenses shall include but are not limited to Fire and Police personnel, other City personnel and consultant costs, inspection and reinspection fees, costs incurred in preparation of notices, preparation of specifications and contracts required to abate any nuisances arising from violations of these special conditions, and attorneys fees and costs incurred in enforcing these special conditions.
- A-5 Minor amendments to this conditional use permit may be approved by the Assistant City Manager if it is determined the overall intent of the permit is fulfilled.
- A-6 The Assistant City Manager is authorized to issue a conditional use permit, if within one year or prior to the expiration of any approved renewal period, City review has been completed and the Assistant City Manager determines that all conditions required to be fulfilled prior to issuance of a permit have been satisfied.
- A-7 This Conditional Use Permit (PLN2003-00244) supercedes the previous Conditional Use Permit (PLN 2000-00227). The previous conditions of approval are included as part of this CUP.

Prior to issuance of the conditional use permit

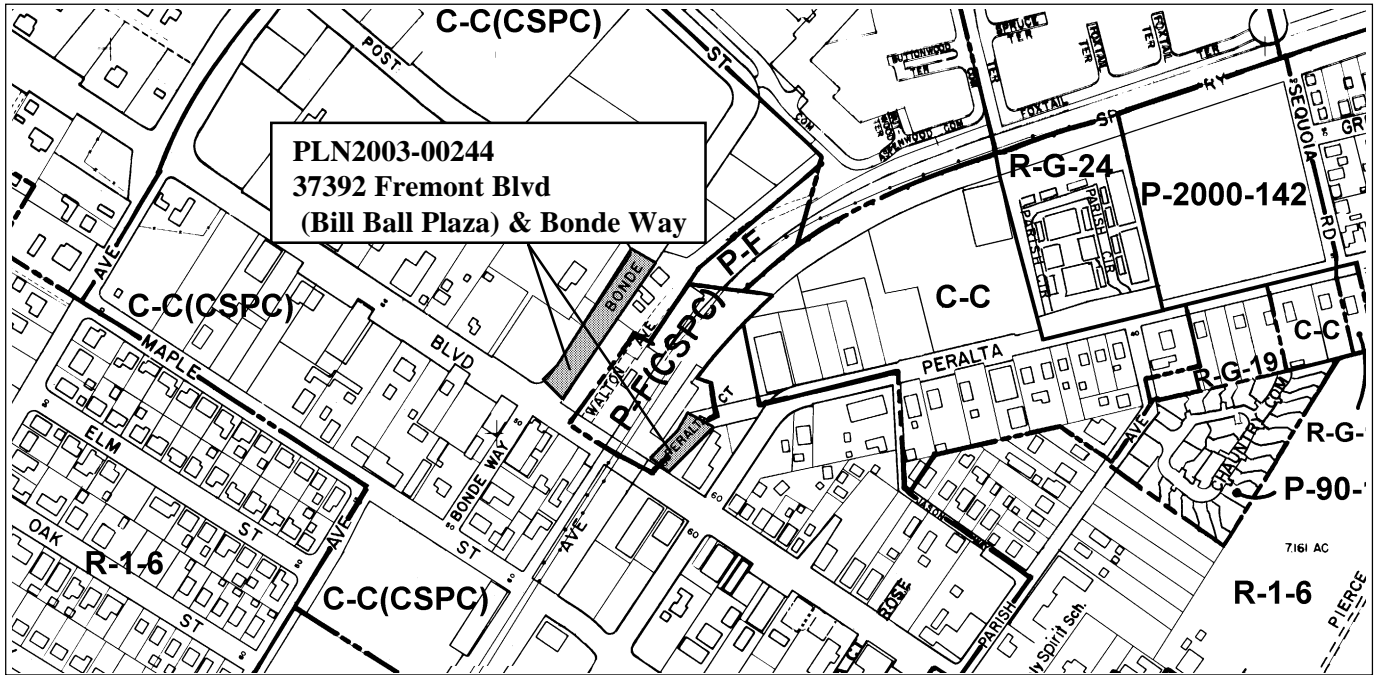
- B-1 The Marin County Farmers Market Association shall satisfy the City's Risk Management requirements regarding insurance and liability.

Market Operation

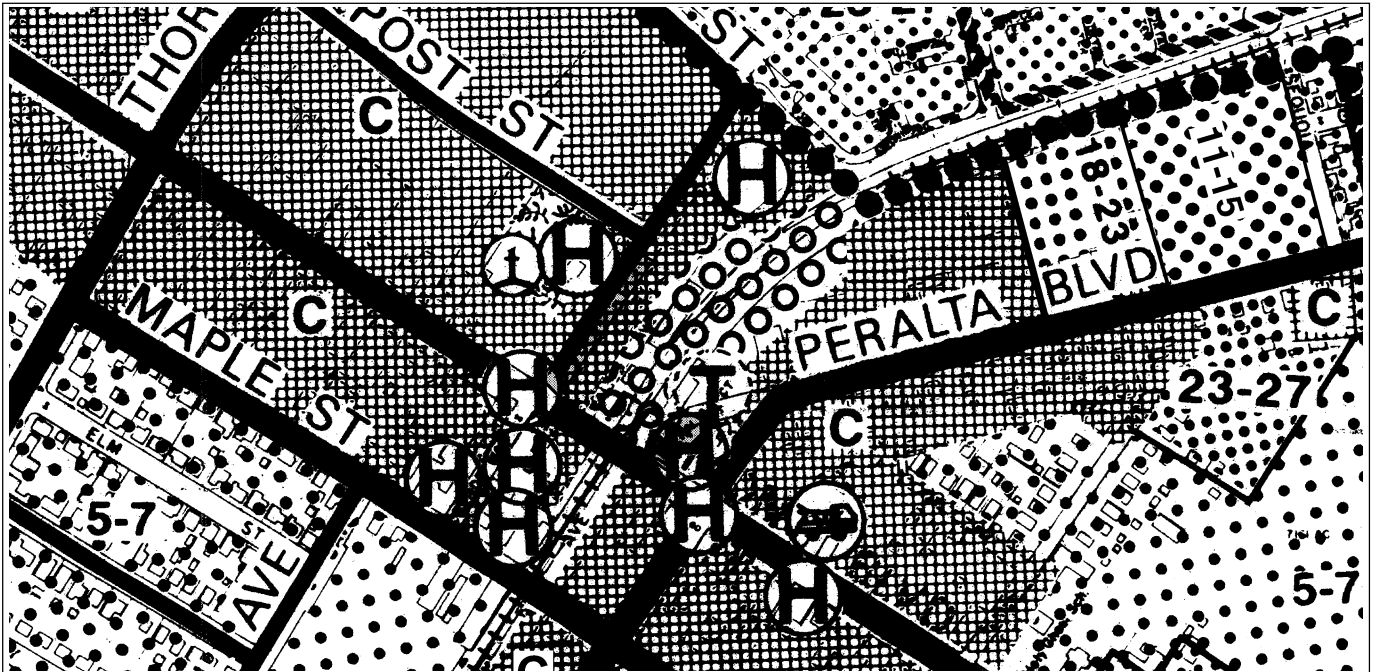
- C-1 The Marin County (Centerville) Farmers Market shall operate during the hours of 9 a.m. to 1 p.m. on Saturdays in the months of May through November, with reasonable time for set up prior to opening and reasonable time for restoration and cleaning after market closing. Minor modifications to business hours may be approved by the Assistant City Manager if she/he finds such extension does not interfere with traffic and area business operation.
- C-2 The Marin County (Centerville) Farmers Market shall remove all packaging and other litter from the site at the end of each market day. The Centerville Farmers Market shall be responsible for leaving the street and side walk as well as the immediately surrounding area free of litter and any debris generated by either market vendors or visitors at the end of each market day. The Farmers' Market is also responsible for cleaning the restrooms at the Centerville Rail Depot at the end of the market day.
- C-3 Amplified music and sounds from performers and special events will be regulated. Music or performances involving more than minimal amplification, and special events will require review and approval by the Assistant City Manager.
- C-4 The Farmers Market, and any non-profit, community and/or other groups which participate at the Centerville Farmers Market shall adhere to all City guidelines and policies, as are currently in place or as may be adopted or amended, relating to the use of public property for speech-related activities.
- C-5 The Farmers Market shall insure no damage is done to the pavement or sidewalk in the Bill Ball Plaza or the public right of way.
- C-6 The Farmers Market activity shall conform to all requirements of the City of Fremont Fire Department, on a continuing basis, with particular reference to emergency vehicle access fire lane of 20-foot width on Bonde Way between the vendors booths.
- C-7 The Farmers Market activity shall conform to all requirements of the City of Fremont Police Department, on a continuing basis, with particular reference to the handling of proper barricades, traffic, parking, and resolution of private property disputes.

- C-8 A Farmers Market Manager shall be available on site during market operations and this individual shall be responsible for the conduct of the market in accordance with these conditions of approval.
- C-9 The Farmers Market shall be responsible for posting signs regarding areas of allowed parking and areas where market parking is prohibited (e.g. Taco Bell parking lot).
- C-10 Sign design is not a part of this review and approval. Any proposed signs for the Centerville Farmers Market shall conform to the City's Sign Ordinance. No signs are to be placed on any public right of way. Further, any temporary signs, such as banners, shall also require separate application for, and approval of, a sign permit in conformance with procedures for Temporary and Promotional Signs.
- C-11 Nearby businesses shall be able to require the Marin County Farmers Market post their parking lot every Saturday during market season "No Farmers Market Parking Allowed" if the business has concerns about the use of their parking lot by market customers.
- C-12 The applicant shall add to its insurance policy any immediately adjacent neighbors who request it as "additionally insured" for liability and possible property damage resulting from the Farmers Market.
- C-13 The applicant shall appropriately limit access to immediately adjacent properties if requested by those property owners. Such limits could include temporary bollards and rope or yellow tape.
- C-14 The Farmers Market shall be required to pick up trash and wash down the plaza as necessary to leave it in a clean condition (no food residue or trash present on site, and no oil or tire marks from vehicles) after each market event. If this does not occur, the City will have the right to clean the site and bill the applicant for service, and the use permit can be revoked for failure to pay the bill within 60 days.
- C-15 In order to protect the Bill Ball Plaza, drip oil pans with disposable liners will be placed under each vehicle and gathered and properly disposed of upon the vehicle's departure to protect the surface area.
- C-16 The Farmers Market Manager shall be required while placing vehicles in the Bill Ball Plaza to insure no marks are left by vehicles and to avoid drains, trees and other site amenities.
- C-17 When the alternative site (Bonde Way) is planned to be used in addition to the Bill Ball Plaza, the applicant shall notify the Traffic, Police and Fire Departments (the public safety divisions) at least one week in advance. In addition, they shall submit a site plan to the public safety divisions at least three weeks in advance of the event showing the location of vendor stalls, and public and vendor parking areas covering both the Bill Ball Plaza and Bonde event areas. This information will remain on file with the public safety divisions to insure adequate traffic flow and emergency vehicle access. Changes to the site plan may be required by any one of the public safety divisions if access is either expected or found to be a problem. Once the site plan is on file, it does not need to be resubmitted unless the applicant wishes to change the vendor or parking layout, or a revision is requested in writing by one the public safety divisions.

INFORMATIONAL



Existing Zoning



Existing General Plan

Project Number: PLN2003-00244 (CUP)
Project Name: Farmer's Market
Project Description: To consider an amendment to a Conditional Use Permit application for a Farmer's Market in the Bill Ball Plaza at 37292 Fremont Boulevard and on Bonde Way in the Centerville Planning Area.

Note: Prior arrangements for access are not required for this site.

